

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	09/883,508	Confirmation No.:	8696
Applicant	Jeffrey A. Bedell <i>et al.</i>		
Filed	June 19, 2001		
Title	System and Method for Managing Objects Between Projects		
TC/Art Unit	2194		
Examiner:	Li B. Zhen		
Docket No.	53470.003042		
Customer No.	21967		

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REPLY BRIEF

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In response to the Examiner's Answer dated June 7, 2007, maintaining the rejection of pending claims 1-18, Appellant respectfully submits the following reply brief.

I. Status Of Claims

Claims 1, 3-5, 10-12 and 16-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,854,932 to Mariani *et al.* (“Mariani”) in view of U.S. Patent No. 6,167,563 to Fontana *et al.* (“Fontana”). Claims 2, 6-9 and 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mariani and Fontana in further view of U.S. Patent No. 6,112,024 to Almond *et al.* (“Almond”). The rejection of claims 1-18 is appealed.

II. Grounds Of Rejection To Be Reviewed On Appeal

The following grounds of rejection are to be reviewed on appeal:

1) The rejection under 35 U.S.C. § 103(a) of claims 1, 3-5, 10-12 and 16-18 based on Mariani in view of Fontana.

2.) The rejection under 35 U.S.C. § 103(a) of claims 2, 6-9 and 13-15 based on Mariani and Fontana in further view of Almond.

III. Argument

A. The Examiner's Answer Never Identifies Any Teaching in Mariani or Fontana Where a Computer Processor is Used to Determine an Appropriate Manner of Executing the Selected Function

The Examiner's Answer fails to address a critical point regarding the deficiency in the proposed Mariani/Fontana combination. Neither reference teaches the claimed step of "determining using a computer processor an appropriate manner of executing the selected function," as recited in claim 1. The Examiner's Answer asserts that "Mariani's rebuilding of the executing program through recompiling of the object files corresponds to the claimed selected function." In response to Appellant's earlier arguments that determining when a function (e.g., recompiling) can be avoided (or not avoided) does not teach determining an "appropriate manner" of performing the function, the Examiner's Answer asserts that Mariani's minimal rebuild system does not just determine whether to execute the function or not, but also that Mariani's recompiling function "determines how the object code files are dependent on the header files and detecting changes to the header files."

Appellant respectfully disagrees and submits that "identifying dependent objects referred to by the selected object" is a separate limitation of claim 1 and thus determining dependent objects cannot be construed to disclose the separate limitation of "determining using a computer processor an appropriate manner of executing the selected function." The Examiner's Answer asserts that Mariani's dependency analysis is performed in two steps, "identifying the dependent objects of the selected objects" and a "comparison of dependencies to changes" as depicted in steps 112 and 116 of Figure 4 and that these two steps correspond to the second and third limitations of claim 1 respectively. The Appellant submits that these steps are simply precursors

to step 118 of Figure 4 which discloses omitting compilation of unchanged code files. The Examiner's Answer therefore continues to rely on the simple determination of whether or not to recompile a file to disclose "determining using a computer processor an appropriate manner of executing the selected function." Determining a manner of executing a function is not disclosed by determining the rebuilding of an executable program. Avoiding recompiling is at best a determination of whether or not to execute a selected function and not "an appropriate manner of executing the selected function on the selected object." Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

B. The Cited Features Of Mariani Fail To Teach Or Suggest The Elements Of Claim 1 Because They Fail To Maintain A Consistent Notion Of The Recited Claim Elements.

The cited features of Mariani fail to teach or suggest the elements of claim 1 because they fail to maintain a consistent notion of the recited claim elements (in particular, the recited nouns such as "selected object").

The Examiner's Answer fails to show a single, coherent embodiment of Mariani for all of the elements for which it is cited. Rather, the Examiner's Answer applies disparate features of Mariani that accomplish dissociated tasks. For instance, as to the "selected function" recitation of claim 1, the Examiner's Answer alternately applies "modifying code" in element (i) and "recompiling" in elements (iii) and (vi). Similarly, as to a "selected object," the Examiner's Answer appears to apply a "source code file" in element (i), an "object code file" in element (ii), and specific source code files that were changed since the last project build in element (vi).

The Examiner's Answer responds to these arguments by asserting that "the rebuilding function is part of the modification command." Appellant notes that the cited language may disclose that modifying code may trigger rebuilding. However, the two different functions are not one function as required by the claims.

Similarly, in response to earlier arguments that the Examiner's Answer alternatively relies on source code file and object code file to allegedly disclose a "selected object", the Examiner's Answer asserts that the source code files and the header files correspond to the selected object and the object code files correspond to the dependent object. Appellant notes that a relationship between three different types of items does not disclose a "selected object" as recited in the claims.

C. Fontana Fails to Cure the Deficiencies of Mariana.

Mariani fails to disclose at least the limitations directed to "automatically identifying dependent objects", "automatically causing the appropriate functions to be performed on the dependent objects" and "automatically causing the execution of the selected function on the selected object in the appropriate manner." Fontana fails to teach the missing limitations of Mariani.

Fontana discloses "an inquiry is made as to whether or not the user wants to update dependent components .. if the answer to this inquiry is no, then the components and dependent components [are not updated]" (Fontana Column 7, lines 27-30) Fontana further discloses "[After response to the inquiry] if the user does want to update dependent components [then the components are updated]" (Fontana Column 7, Lines 35-53). Appellant respectfully submits that updating dependent components in response to a user prompt does not satisfy the "automatically identifying dependent objects," "automatically causing the appropriate functions to be performed

on the dependent objects” and “automatically causing the execution of the selected function on the selected object in the appropriate manner” recitations.

In response to earlier arguments, the Examiner’s Answer asserts that “automatically performing a function does not preclude user initiation as long as the functions are performed automatically by the machine.” The Appellant submits that execution of a selected function in response to user initiation is clearly not consistent with “automatically causing the appropriate functions to be performed on the dependent objects” as required by claim 1. Performing a portion of a step automatically does not teach performing the step entirely automatically.

Claims 10 and 18 contains similar limitations to claim 1 and are thus allowable for at least the above reasons.

D. Claim 10 is Separately Patentable

Claim 10 additionally recites “a system application for managing objects within and between projects of a reporting system, the objects including unique identifiers and version identifiers that are similar between projects.” The Examiner’s Answer responds that the recitation “managing objects with and between projects of a reporting system” was not given patentable weight because the recitation occurs in the preamble. Clearly, however the structural limitations of claim 10 cannot stand alone and thus the preamble should be given patentable weight. The second limitation recites “an operational module interfacing with the projects for identifying dependent objects referred to by the selected object.” The words “the projects” would have no antecedent basis without the preamble. Therefore it is improper to ignore limitations within the preamble of claim 10. There is no disclosure of “managing objects with and between projects of a reporting system” in Mariani.

E. Claims 4 and 7 are Separately Patentable

Claim 4 recites “a selected function [which] relates to manipulating objects within and between projects and wherein within each project each object has a unique identifier and a version identifier.” Claim 7 recites “the unique identifier and a version identifier of objects in a source project that are similar to the unique identifier and a version identifier of objects in the destination project.” The Examiner’s Answer alleges that these limitations are disclosed by Mariani. The Examiner’s Answer asserts that a version identifier and a unique object identifier are disclosed by a date time stamp. A date time stamp even with an object name does not disclose a version identifier. It is possible to make a change to an object, such as committing changes to a copy of a file in under a second. Thus a person of ordinary skill in the art would not assume a date time stamp and a name to be the equivalent of a version identifier. Furthermore, the claims require both a unique identifier and a version identifier. Additionally, the specification supports such an interpretation. On page 15, line 4, dates are listed separately from both version identifiers and unique identifiers. The Mariani reference does not disclose a method or system wherein “ wherein within each project each object has a unique identifier and a version identifier.” Furthermore, Mariani does not disclose manipulating objects between projects.

F. Claim 11 is Separately Patentable

Claim 11 recites an “operational module [which] interfaces with projects that reside in various environments.” The Examiner’s Answer alleges that Mariani discloses a development environment that provides access to third party code libraries and that the third party code libraries are from various environments. Different libraries are not different projects. There is no disclosure of a system “wherein the operational module interfaces with projects that reside in various environments,” as required by claim 11. The disclosure of a development environment does not disclose a system that interfaces with projects residing in various environments.

G. Almond Does Not Teach the Selected Object is Contained in the Metadata of an On-line Analytical Processing System

In regards to claims 2, 6-9 and 13-15, the Examiner's Answer asserts that the meta model disclosed by Almond teaches the metadata required by the claims. The Examiner's Answer asserts in response to earlier arguments that the Appellant is trying to read limitations from the specification into the claims. However, the terms meta model and metadata are not the same. The Appellant's reference to the specification was merely to support that the meta model as disclosed by Almond is directed towards version control and does not disclose what a person of ordinary skill in the art would interpret from "metadata of an on-line analytical processing system." Appellant respectfully submits that the meta model disclosed by Almond does not teach "the selected object is contained in metadata of an on-line analytical processing system." Version control is not the same as metadata of an on-line analytical processing system.

H. Claims 6 and 15 are Separately Patentable

The Examiner's Answer asserts that Mariani's minimal rebuild system creates a new copy of the object file when it compiles the source file or resaves the object file. The Examiner's Answer asserts that this teaches the limitation of "receiving a command to copy a selected object from a source project to a destination project". However, even if Mariani does disclose the creation of a copy as part of compilation of files or saving files, which Appellant does not concede, there is no disclosure in Mariani or Almond of "copy[ing] a selected object from a source project to a destination project" as required by claim 6. A copy made as part of a system process to recompile cannot be logically interpreted as disclosing a copy made in response to "receiving a command to copy a selected object from a source project to a destination project."

Claim 15 recites an "operational module [which] communicates with the user interface to select whether to copy the selected object from the source project to the destination project, to

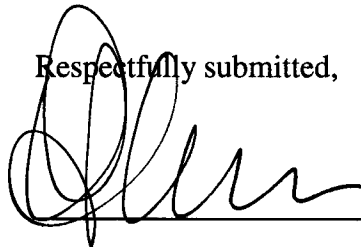
replace an object in the destination object with the selected object, and to keep an object in the destination project as is.” Thus Claim 15 contains a similar limitation requiring the manipulation of objects between projects. The manipulation of objects between projects is not disclosed by Mariani or Almond.

IV. Conclusion

Appellant submits that the pending claims are allowable over the cited references. Accordingly, Appellant respectfully requests that the Board reverse the prior art rejections set forth in the Action. Appellant respectfully submits that no other fees are required in connection with this request. However, in the event it is determined that a further fee is necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge or credit the undersigned’s deposit account number 50-0206.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'Ozzie A Farres', written over a horizontal line.

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